

County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. **8**

Resolution No. 82-2005

Introduced by: The Chairman at the request of the County Executive

A RESOLUTION finding that it is in the public interest to release a 0.2792 acre portion of an agricultural land preservation easement held by Howard County, Maryland on real property owned by Chuck and Denise Sharp as part of the subdivision process to accommodate a right-of-way at Penn Shop Road; finding that the proposed use is in the public interest; authorizing an amendment to certain deeds of easement between the owner and Howard County in connection with the proposed use; and providing that the release is contingent on a certain payment to the County.

Introduced and read first time _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council
on _____, 2005.

Certified By _____
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Larry and Gwen Peters executed a Deed of Easement dated December 29,
2 1986 and recorded among the Land Records of Howard County, Maryland at Liber 1577, Folio
3 376 and an Amendment to Deed of Easement to Exchange Lot Rights dated July 27, 2004 and
4 recorded among the Land Records of Howard County at Liber 8578, Folio 318 (collectively, as
5 amended, the “Easement”) extinguishing the development rights on their property consisting of
6 76.61 acres of land located at the corner of Bennett and Penn Shop Roads in Mt. Airy (the
7 “Property”), as shown on the map attached as Exhibit A, to Howard County, Maryland and
8 restricting the use of the Property to agriculture and related uses as set forth in the Agricultural
9 Land Preservation Act of the Howard County Code; and

10
11 **WHEREAS**, on August 12, 2004, Larry and Gwen Peters conveyed the property to
12 Chuck and Denise Sharp (the “Owners”) by deed recorded among the Land Records of Howard
13 County, Maryland at Liber 8689, Folio 654; and

14
15 **WHEREAS**, Section 15.516 of the Howard County Code allows the County to release
16 from an easement up to one acre of land for “public interest use” if the Howard County
17 Agricultural Land Preservation Board recommends the release, the County Council finds that the
18 proposed use is in the public interest, and the property owner pays the County for the release at
19 the price per acre that the County paid to acquire the easement, with interest; and

20
21 **WHEREAS**, the Owner has submitted a request to the Department of Planning and
22 Zoning (“DPZ”) for approval of a public interest use on the Property, specifically to
23 accommodate a right-of-way at Penn Shop Road on .2792 acres of the Property as shown on the
24 attached map marked Exhibit B (the “Release Area”); and

25
26 **WHEREAS**, DPZ reviewed the Owner’s request to release the Release Area from the
27 Easement and recommended approval of the request to the Agricultural Land Preservation
28 Board; and

29
30 **WHEREAS**, the Agricultural Land Preservation Board reviewed the findings of DPZ
31 and, after a public meeting on May 9, 2005, recommended that the Release Area be released

1 from the Easement, as long as the right-of-way is required, because the Release Area is required
2 for a public interest use; and
3

4 **WHEREAS**, because the Easement was purchased by the County, the Owner is required
5 to repay the County approximately \$601.55 for the released acreage.
6

7 **NOW, THEREFORE, BE IT RESOLVED**, by the County Council of Howard County,
8 Maryland this ____ day of _____, 2005, that for the reasons cited by the
9 Department of Planning and Zoning and the Agricultural Land Preservation Board at its meeting
10 on May 9, 2005, the County Council finds that the proposed use of .2792 acres of the Property to
11 accommodate a right-of-way at Penn Shop Road is in the public interest and therefore approves
12 the public interest use of .2792 acres of the Property, as shown on Exhibit B, owned by Chuck
13 and Denise Sharp and the release of the .2792 acres, as shown in Exhibit B, from the Easement;
14

15 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
16 Maryland that it approves the request of Chuck and Denise Sharp to amend the Deed of
17 Easement dated January 29, 1986 and recorded among the Land Records of Howard County at
18 Liber 1577, Folio 376 and the Amendment to Deed of Easement to Exchange Lot Rights dated
19 July 27, 2004 and recorded among the Land Records of Howard County at Liber 8578, Folio 318
20 to release the .2792 acres of the Property, as shown in Exhibit B, for a right-of-way at Penn Shop
21 Road, there being payment due to the County in the approximate amount of \$601.55 because this
22 was a purchased easement.